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**A LETTER**

**ON**

**C A N A D A**

**IN 1806 and 1817,**

**DURING THE ADMINISTRATION OF  
GOVERNOR GORE.**

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**FOR PRIVATE CIRCULATION.**

**1853.**

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## PREFACE.

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THE personal friends of the late Governor Gore, being anxious to possess some record of a most estimable character, <sup>and</sup> having applied for information at the scene of his principal public services, the province of Upper Canada, for the most authentic information respecting him, had the good fortune to receive the following letter from a high local functionary, which they consider both instructive and interesting, while it exhibits the wonderful progress of a colony, to the prosperity of which Governor Gore so largely contributed, and in which he ever continued to evince a paternal solicitude.

Colonel Gore was born at Blackheath, in 1769,—entered the army in 1787,—rose to the rank of Lieutenant-Colonel,—was Governor of The Bermudas,—twice Governor of Upper Canada, and died at Brighton,

November 3, 1852, at the advanced age of 84. An interesting memoir of this frank, estimable, and public-spirited man, will be found in *Fraser's Magazine* for June 1853.

E. M.

London, 29th June, 1853.

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## LETTER ON CANADA.

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Toronto, March 10, 1853.

SIR,

Your letter arrived at an unlucky time, when I was just entering upon one of our terms, which was immediately followed by a sitting of a court of appeal, and between the two I have not had a leisure hour at my disposal till this day. I should be happy to be of service to you, and the other friends of the late Governor Gore, in carrying out your wish to shew respect to his memory, by such a notice of him as his distinguished public position, his generous character, and his social qualities seem to call for—and there are, perhaps, few, if any, inquiries which it might occur to you to make, in respect to his official career here, to which I could not give or procure for you a satisfactory answer—though his friends here, as you may suppose, are fast passing away. Colonel Talbot, a brother of the late Lord Talbot de Malahide, whom he well knew, has just died, at the age of 81. Another valued old friend of his I have seen within this hour, and I fear he also is rapidly sinking from mere decay of nature, after enjoying more than 80 years of almost uninterrupted health. Captain Macauley, when he spoke to you of me, might have remembered that I was at school in 1806, when

Mr. Gore first came to Canada, and for some time afterwards, in a part of the country remote from the seat of Government ; and during the remainder of his first administration I was a student at law, or, in plainer phrase, a lawyer's clerk, too young to give much attention to public measures, or to be able to appreciate the conduct and motives of public men. In September 1815, I went to England, to keep my terms in Lincoln's Inn, and left Canada on that occasion, a few days only, I think, before Mr. Gore arrived there to assume the government a second time. His return to Canada must have taken every one by surprise, for it was not anticipated when I left Toronto, though he must then have been on his voyage out. Before I returned, in November 1817, Mr. Gore had retired from the government, so that I was not in Canada at all during his second administration.

I saw him in August, 1806, as he passed through the village in which I was at school, on his way from Quebec to Toronto, with his secretary, Major Halton, having then just arrived from England. He went to the parish church there, of which the present Bishop of Toronto was then rector. All persons who saw him, I think, were very favourably impressed by his firm, frank, manly bearing and appearance.

Upper Canada was at that time, one great wilderness—everything was in a very rough state. The population of the whole province did not exceed 40 or 50,000, dispersed over a country as large as Great Britain, or very nearly so. Kingston, the largest town, had scarcely 600 inhabitants ; York, the capital, probably not 500 ; Niagara, about as many ; and besides there were but four or five inconsiderable villages.

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There was not a stage-coach, or public conveyance of any kind to be seen in Upper Canada. For the means of passing from one part of the province to the other, people were chiefly dependent on the small schooners which navigated the lakes, and in winter, when the navigation was closed by the harbours and rivers being frozen up, some few roads were barely passable for sleighs, but could be used by no kind of vehicle at another season. A journey from Montreal to York, at that time and for many years afterwards, frequently took a longer time, than it now does to come from London. When Mr. Gore had been three years in Canada, the mail came but once a month from Montreal to Toronto. There were but seven clergymen of the Church of England in the province, and the churches in which they officiated were small rude structures, with one exception, built of wood.

No town had a market. Only two newspapers were published in Upper Canada, both weekly journals. Banks and insurance offices were unknown. If Mr. Gore could have visited this province last year, he would have seen it (I mean Upper Canada alone) containing fully a million of inhabitants. In York, which has, in the interval, resumed its ancient Indian name, Toronto, he would have found a population of nearly 35,000, exceeding that of Oxford or Cambridge; in Kingston about 15,000; in Hamilton, even more. In several other towns from 2 to 7000 inhabitants, where, in his time, there were not three houses, perhaps not one; and villages innumerable, scattered throughout the province, each with a larger population than he had left in the capital.

Our lakes and rivers are now alive with noble

steamers, with excellent accommodation, making their daily trips between Quebec and Toronto. By the improvement of the St. Lawrence, and by the magnificent Welland Canal which now yields a revenue above £50,000 a year, an uninterrupted navigation is open for vessels of 350 tons burthen, from the Atlantic to the western extremities of Lake Huron and Lake Michigan ; and it will not be long before they gain access into Lake Superior. There is now building at Kingston, a vessel of 400 tons, which is advertised for a voyage direct from Toronto to London, in the spring. Besides some thousands of miles of passable country roads, made by the application of the annual statute labour, with occasional assistance from public funds, there are some hundreds of miles of macadamized, gravelled, and plank road ; and not less than 800 miles of railway contracted for and in progress. We have a perfect telegraph line from Halifax, through Quebec, Montreal, &c., to the western extremity of the province, with branches to almost every populous village, and the same facility for instant communication with towns on the Mississippi and the American cities throughout the Union.

Letters and newspapers from England have reached our post office in this inland situation (500 miles from the sea) in thirteen days in the depths of winter, and in fifteen days they are looked for with as much confidence, and with less chance of disappointment than attended our communication with Montreal in Mr. Gore's time. In those days, indeed, it was not an uncommon thing for the London November mail to be received in February, and sometimes in March. We have now three distinct communications by water from this city (which

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like our other cities and large towns is lighted with gas) to the ocean, namely,—by Lake Ontario and the St. Lawrence to Quebec,—by the Welland and the Erie canals to New York ; and by the Welland canal, Lake Erie and the Ohio canal, and the river Mississippi to New Orleans. At present we have *eight*, and before two years are over, shall have at least *twelve* points upon the American frontier south of us, at which railways will terminate leading to cities on the Atlantic coast. Nineteen hours take us now to New York ; and it will not be long before the journey from hence to Washington will be accomplished within that time.

This all looks, as many think, fearfully like amalgamation,—but come what may of it, it must go on. We are distant but thirty-five miles from Niagara, and a passage in a schooner across that narrow water in Governor Gore's day was attended with more inconvenience, and often took longer time than the journey does now to New York. We have daily mails to all parts of the province, and weekly mails from England ; and as many daily and weekly newspapers perhaps, as not many years ago were printed in Scotland, if not more. There are about 170 clergymen of the Church of England, officiating in Canada to 240,000 churchmen ; and many churches belonging to them and to other denominations which would do credit to any town in Europe. The market-houses in Toronto and in Kingston are not surpassed in North America ; and banks, insurance offices, gas companies, and associations for the promotion of various enterprises abound in all parts of Upper Canada.

I have mentioned these things to show more strongly by the contrast the condition of Upper Canada, when

Mr. Gore first arrived at York, on 23rd August, 1806, to administer its government. It was an immense, dreary vacuity. Nothing could be made of the country without people and capital, and these could only come to it gradually.—Nothing that was in his power to do, at that period, could very materially accelerate the progress of things. The effect of the peace of Europe in turning thousands out of employment, and the distress in Ireland, were just beginning to be felt in an increased emigration, in 1817, the year that Governor Gore left. It was then that the first considerable influx of settlers came to the province through New York. The aid of steam, which has done more than can be estimated towards peopling this country, by lessening the delay, and misery and expense of the long journey from the sea-board, was just then beginning to be perceptible in the distance, like the first fire from the Prussian cannon at Waterloo. The *Frontenac*, the first steam-boat that ever moved on the lakes of Upper Canada, had been launched the very December (1817) that Governor Gore returned finally to England. She made her first trip in the autumn of that year. The best service that Mr. Gore could render to the province at that stage, he did render very efficiently, by doing all that he could for the encouragement of settling, by facilitating the issue of land-patents, directing new townships to be surveyed and laid open to grant, and keeping the officers of the land-granting department actively employed. He made, in 1807 and afterwards, large purchases of territory from the native tribes—by treaties openly and honourably conducted, and which he took care should be in all things literally observed.

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very trifling, less, probably, than £10,000 annually; now it probably exceeds £800,000. The British Parliament still made an annual vote of about £8000 for defraying the charges of the civil government. And if the Colonial Legislature had had at its disposal ten times as much as it had, it must all have been absorbed, (as the whole surplus revenue was, for many years after,) in opening and improving roads that were necessary for enabling the farmer to obtain access to market. The Governor at that period had really nothing to work with through which a perceptible impression could be made in so vast a country. But still, the state of things was steadily progressive.

In 1808 and 1809 Mr. Gore travelled through remote parts of Upper Canada, which were very difficult of access. In going to and returning from Sandwich, the western point of the then settled portion of the province, thirty-five days were consumed, though the distance by one route is short of 300 miles. One could now go from Toronto to Damascus, via London, in the same space of time, and a railway is at this moment fast approaching its completion, by which we shall soon be able to reach Sandwich in twelve hours.

You ask whether any particular public measures were originated or carried through during Governor Gore's administration—any public buildings, or bridges, or canals, or roads cut, or financial measures adopted.—Nothing important in the way of public improvements could then be accomplished, for there was no disposable public revenue, nor any means of raising one. In the towns, there were a few merchants of more or less wealth, as compared with the other inhabitants, a dozen clergymen perhaps of all denominations, about as many

lawyers and medical men, and a good number of half-pay officers dispersed throughout the province, who had been reduced at the conclusion of the American war in 1783. These as a class, were most worthy, respectable men, ardent in their loyalty, and able, from their large grants of land and their small stipends, to live in comparative comfort, and give material assistance to their neighbours. The rest of the inhabitants were in general poor, and struggling with the very formidable difficulties of a new settlement, where there was no older country in their vicinity to which they had convenient access. To have put up a public building equal to any of the handsome town-halls that we now see growing up year by year in our cities and towns, would have been an effort almost beyond the ability of the provincial government. The legislature did pass an act two years before Mr. Gore came out, by which a sum of £400 was directed to be annually laid aside, to accumulate as a fund for erecting a building for the public offices. In 1812, after about £3000 had been got together, the war broke out, and the legislature very properly laid their hands upon that and upon every other shilling they could raise, and appropriated it towards the defence of the province—though it was but a very small drop in the thirty millions expended in the course of that war. Besides a due attention to the efficiency of the land-granting department, which was really *the* business of that time—including the provision for gratuitous grants to what are called U. E. Loyalists, and to military claimants, the attention of the government, during Mr. Gore's first administration, was given to the opening of public roads, to the organization of the militia, which received more attention than

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than it has done of late years—and to efforts made to encourage the cultivation of hemp. The efforts in the last named direction have, from some cause or another, never been successful, though the country is extremely well adapted to that production, both as regards climate and soil. The high price of labour has been an obstacle, I dare say; but now that we have many more people, and machinery is extensively used, capital abundant, and the facilities of transportation vastly greater, it seems strange that the attempt is not renewed.

In the first session after Mr. Gore's arrival, an act was passed establishing a grammar school in each one of the seven districts into which the province was then divided. This provided a salary of £100 a year for the teacher, in addition to fees of tuition, and established a board of trustees to superintend each school. The suggestion was made by the present Bishop of Toronto, who was then rector of a parish in Upper Canada, and was cordially seconded by the Governor. In every new district that was afterwards formed, the Legislature was careful to establish a precisely similar school, and the province has derived vast benefit from this early attention paid to education. In 1816, during the second administration of Governor Gore, the foundation was laid of the common school system of education, and by an act of the legislature \$6000 annually was appropriated to their support. In the same year also, £21,000 was granted for the improvement of the highways. These are pleasing evidences of growing wealth. Canals had not yet been attempted. They were much above the means of the country. But I believe there is no country in the world with so small population, which can now show canals on so large a

scale, and so substantially constructed as are to be seen in Canada.

As I have stated already, I was not in Canada during any part of Mr. Gore's second term of government, from October, 1815, to July, 1817. I believe it was brought abruptly to a close in consequence of a collision between him and the assembly, upon the policy of admitting alien Americans to become settlers. Some gentlemen in the legislature who had acquired large tracts of land by purchase, thought more I fear, of the benefit to themselves, by raising the value of their property, than of the danger to the province from admitting large bodies of settlers unfriendly to our system of government; and they had sufficient influence to procure the adoption of some resolutions upon the subject to which Mr. Gore was strongly opposed. He went down to the Parliament House, in consequence, upon a very short notice, and without much formality, prorogued the legislature. This gave rise to a good deal of excitement, and whether his retirement from the government was his voluntary act in consequence, or whether it was thought expedient in England that he should give place to another, I do not know.

Mr. Gore had some warm and strongly attached friends here, and those were most firmly attached to him who were most loyally devoted to the cause—and who had no peculiar objects of their own to accomplish. He was, I think, regarded by those who were not mixed up in the squabbles of that time, as a man of frank and generous nature, warm-hearted, very zealous for the public service, and above any unworthy course or mean compliances. He had strongly marked in his deportment the high spirit of a well-bred gentleman—

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and was in his manner affable and friendly—with the appearance of being confiding and unreserved, which is in general a popular quality. He had in truth, I apprehend, less reserve than was prudent in his position,—gave his confidence too entirely to those who were his friends at the moment, which enabled them to give him more annoyance when they became his enemies, and this was a change not very unlikely to happen—for he was quick and impetuous—impatient of opposition—and too reckless, as it seemed, of the consequences of giving offence. His first assumption of the government was attended by some unpropitious circumstances which he had no hand in creating—but of which he felt the inconvenience—though long before he left Canada in 1811, he had surmounted whatever difficulties they had occasioned. His predecessor, General Hunter, though a high-minded soldier, of the greatest integrity, and in every way faithful to his trust, was stern in his deportment, had no mercy upon irregular and unprofitable public servants. Somewhat arbitrary in his measures, he had contrived to provoke in some, a bitter feeling of hostility, and had rendered his government rather unpopular with the multitude. This made it an easy matter for those who were seditiously disposed, to play their game, for they found favourable listeners. Then the *troubles* in Ireland, of 1798, had given many bitter enemies of England to the United States, and some who were not exiles partook very strongly of the same spirit. Of these a few forced their way to Canada. One had been injudiciously made a sheriff, and just before Mr. Gore's arrival, I think, he was for some cause, dismissed summarily. This made him of course a *patriot*, and put him in a temper to insult

and abuse a Governor, even if he had had all the virtues of an angel. With the assistance of those who sympathised with him this individual bought a press, conducted a very intemperate paper, and became a member of the Assembly. He had that kind of popular eloquence that was fitted to excite a simple-minded people, and succeeded in producing a strong feeling of discontent, of which we can trace the evil effects at this day. Whoever might have been disposed at that time to put the worst possible construction upon this person's conduct and motives, was certainly fully justified by his subsequent career. He did all he could to undeceive any who could have imagined him to be loyal at heart, for though he was actually a member of the legislature, and must have taken the oath of allegiance to his sovereign again and again, as soon as war was declared against England by the United States in 1812, he seduced as many as he could of those whose minds he had poisoned, to join the enemy, in which he had but a very limited measure of success. Some few did enrol themselves in a corps which he endeavoured to raise in aid of the American invaders. He served for a short time in the American army, but, I believe, on the very first occasion of his coming under the fire of his former fellow-subjects, he fell. You are well aware, no doubt, that just before Governor Gore came to Canada in 1806, the Government in England had exercised their patronage very unfortunately, in appointing a Judge and a Surveyor-General to the colony, whose misconduct occasioned a great deal of trouble.

The Surveyor-General, besides setting himself very indecently and absurdly in opposition to the Governor, was complained of as having done something highly

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improper in his official capacity, and was on that  
 ground (if I recollect rightly) suspended. I believe the  
 order to suspend or remove him came from England.  
 The Judge was a much more formidable enemy to the  
 public tranquillity than the poor misguided Surveyor-  
 General. He had, as it seemed, a prodigious longing  
 for popularity, and appeared to be anything but scru-  
 pulous about the manner of acquiring it. His turbu-  
 lence, I fear, was prompted by a worse motive than the  
 mere gratification of his vanity. On his first circuit in  
 the western part of the province, he began his charge  
 to the Grand Jury at the opening of the Criminal Court  
 thus:—"Gentlemen! fifteen years of disgraceful admi-  
 nistration of the government of this province calls  
 loudly for redress." As those fifteen years embraced  
 the whole period that Upper Canada had had a  
 government, the denunciation was sweeping enough,  
 coming as it did from one who had been but a few  
 months, or weeks in the country. If I do not forget it,  
 I will inclose another of the judge's charges to the  
 Grand Jury, which will show that modesty was certainly  
 not his forte. There was a third party, a barrister, who  
 had been some years out from Ireland, and who was  
 also very active in this seditious movement, but his  
 career was soon unhappily terminated. He was attend-  
 ing the assizes at Niagara, in which the judge alluded  
 to was presiding, and took occasion in some trial that  
 he was engaged in to help on the cause by some in-  
 flammatory declamation against the government. The  
 barrister who was opposed to him remonstrated against  
 his use being made of a court of justice, and appealed  
 to the judge to discountenance it. This brought upon  
 him a rude, insulting attack from the other, of which

he took that notice which, happily, is less common now than it used to be in those days,—and the judge's friend lost his life in the duel which immediately followed. He that fell was a member of the Assembly, and his death made a vacancy, which the judge, to the disgust of every respectable person, became a candidate for, and after a desperate struggle he carried his point, being the first and the last judge in Upper Canada who ever desired a seat in the Assembly. This was in 1806-7. As soon as this monstrous proceeding became known in England, the judge was suspended; and from that time till Governor Gore's retirement in 1811—when on account of the prospect of war with the United States, it was thought proper to replace him by a military governor (General Brock)—there was little or nothing to disturb public tranquillity in Canada, and Mr. Gore's administration was free from that anxiety and those unpleasant difficulties which he had to encounter upon his arrival, and during the first year that followed.

You ask me if I know what were the results of his controversy with Sergeant Frith. Poor Sergeant Frith I knew well. He came out as Attorney-General in 1807, upon the promotion of the famed Attorney-General, Mr. Scott, to be Chief Justice, and as I was in the office of the Solicitor-General at the same time, I saw much of him. He was an eccentric, unreasonable man, with an ungovernable temper, but had qualities that made him to be looked kindly upon in society,—being hospitable, an agreeable companion when his caprices did not interfere, and possessing literary tastes and acquirements. He was so really absurd in his temper that he was more laughed at than disliked for it. Being an Englishman, (from Norwich,) he did not participate

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in the spirit which before his arrival had been excited by those others whom I have spoken of. But he was at the same time ill-conditioned, and had grievances of his own which had reference not so much to any measures of the government, as to personal affairs touching his office or himself. He managed somehow or other to put himself on a footing anything but cordial with the Governor, and failing to obtain what he desired, in relation to some official interest or arrangement, he applied for leave of absence, that he might go in person and lay the matter before the Secretary of State. The Governor declined to grant him leave, observing that what he contended for was quite capable of being settled by correspondence, and that he would willingly forward any representations he desired to make. Being refused leave, he took the rash and improper step of going without it, and lost his office in consequence, as he ought to have known he would.

Those who have lived much with Mr. Gore since his last return to England, must have heard him relate the facts of his being sued in a civil action by Mr. Wyatt in 1816, for a libel which he was charged with having published in Upper Canada, and being prosecuted in some way,—I forget whether by indictment or information—by Mr. Heape. These were vexatious proceedings, but I believe Mr. Gore was indemnified by the Government.

I was in England and heard the case of *Wyatt v. Gore* tried in the Common Pleas, of which a report is published in Holt's volume of *Nisi Prius* cases, page 299. Mr. Holt was by no means the least intelligent of English law reporters, though he falls into the absurd error of speaking of Upper Canada as an island.

Whether he imagined it to be an island in the East or the West Indies does not appear. It seemed to me that Mr. Gore had a hard measure of justice dealt out to him in that action. The plaintiff had sent out a commission to examine witnesses in Canada, in the hope of proving that the pamphlet of which he complained, and which was written by a Capt. Gray, of Montreal, from mere zeal, as I really believe, for the public service, and from a desire to vindicate the Colonial Government,—had been circulated in York by the Governor. To that end he examined all those known to be most intimate with Mr. Gore, including the officers of his government, but they all swore that they had received no copy of it from him, and had seen none in his possession. Failing in obtaining the desired evidence from Canada, the prosecutor called the late Attorney-General Frith into the box and examined him. He stated that Mr. Gore had sent for him and asked his opinion, (shewing the pamphlet, of which several copies had been sent to him from Montreal,) whether he thought it would be proper in him to distribute them, as they were evidently written with a desire to counteract the injurious conduct and statements of the individuals referred to in them. Mr. Frith looked at the pamphlet, as he said, in the Governor's library, and seeing that it dealt severely with the characters of the two or three persons named in it, he recommended him to have no hand in circulating it, particularly as Mr. Wyatt had been suspended, whose conduct he thought proceeded more from weakness than bad intention, and that this publication might blast his future prospects. Sir Vicary Gibbs endeavoured to restrain Mr. Frith from disclosing what had passed in official confidence

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between himself as Attorney-General, and the Governor, who must, as he rightly observed, be allowed to consult his professional adviser, without the danger of having the conversation made public. Mr. Frith had the candour to state, that he believed the Governor had acted on his advice, but he had no knowledge of his having given any one else a copy of the pamphlet, and believed he had not done so. But, he added, evidently to the surprise of Sir Vicary Gibbs, who seemed not a little dissatisfied with his want of proper feeling, that he did not look upon what passed as confidential, for that nothing was said to him about secrecy.

Judge Thorpe, then also in England, was examined also as a witness; and I have not forgotten the astonishment I felt when I heard the answers given by him to some questions put to him in respect to occurrences in Upper Canada in 1806 and 7. His affected ignorance of almost everything that had taken place there, and his declaration that it was impossible he could have had anything to do with such matters, because he was at that time a judge in Upper Canada, evidently awakened recollections in the chief justice's mind. Sir Vicary Gibbs had been Attorney-General at that period, and it was quite clear that he knew more of the judge's history and proceedings than Mr. Gore's counsel did. With the recollection that was evidently fresh in his mind, he said to the witness, "You have told us that you were a judge in Upper Canada; are you still in that office, and here on leave?" "No, my lord," said Mr. Thorpe, "I was suspended." "Oh, you were suspended. Pray, may I ask, how did that occur?" "I was suspended, my lord, *in order to be promoted.*" "I

do not exactly understand you, Mr. Thorpe," said Sir Vicary. "Well," replied Mr. Thorpe, "all I can say is, that I was suspended by *Lord Castlereagh*, when I got to England,—that I was recalled in order to be promoted, and accordingly I was promoted. I was a puisne judge in Canada; and was made chief justice at Sierra Leone soon afterwards." Lord Castlereagh, I believe, had promised him the appointment in Canada.

What I have never been able to reconcile myself to is, that what passed between the Governor and his Attorney-General should have been held to be the publication of a malicious libel, merely because Mr. Frith chose to say that *he* did not consider the interview confidential. It was quite clear from his own account of the matter, that if he had not been the Attorney-General, nothing of the kind would have taken place. The relation between the parties and the occasion of the interview, of themselves showed that what had taken place was strictly confidential; and the privilege of not having it regarded as the malicious publication of a libel under the circumstances, was a privilege that belonged to the Governor, and not to Mr. Frith. It is for the protection of the person requiring the official or professional advice, that the consultation is to be regarded as confidential, and surely it should not rest with the person consulted to dispense with the privilege at his pleasure, or, as was evident in this case, to act in defiance of it, in order to gratify a hostile feeling of his own. Sergeant Best managed the plaintiff's case with the skill and spirit that distinguished him as an advocate, and addressed the jury in the style that was certain to arouse their patriotic indignation against what he called "*this most extraordinary governor.*"

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Sergeant Lens, on the other side, was very respectable but very tame. I left the court with the conviction that the chief justice thought the verdict an unjust and oppressive one; and that if Sergeant Best had been on the other side, he would have annihilated poor Mr. Frith, and brought off the governor in triumph; though the odds are very much against a governor in any such contest before a London jury.

THE END.

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